IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CHAMBER SUMMONS NO. 1345 OF 2004
IN
SUIT NO. 1042 OF 1997

SBI Capital Markets Ltd ...Plffs
vs.
Real Value Appliances Ltd and Ors. ....Defnds

Saumoya Srikrishna i/b. Kanga and Co. for the plffs.

F.S. Colabawala i/b. Mulla and Mulla for defendant no.3 c to 3 e.

Mary Chongole i/b. Niranjan and Co. for defendant no.2(6).

CORAM: S.U. KAMDAR, J.

DATE : 26TH APRIL, 2005.

P.C.:.

1. The present chamber summons is taken out to bring the deceased defendant no.2 on record. Learned counsel appearing for respondent no.2(c) contends that

she is the ex-wife of the deceased and thus not the legal heirs and therefore should not be impleaded as a party to the suit. It is not possible to accept the aforesaid contention. The aforesaid issue is kept open to be decided at the hearing of the suit and if respondent no.2(c) is not the legal heirs then no decree will be passed against respondent no.2(c). The next contention raised is about the delay. The delay is of two years. Delay condoned. Abatement set aside. Chamber summons made absolute in terms of prayer clause (a). Plaintiff to pay cost quantified at Rs.500/- to the defendants.

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